

**REAL ESTATE APPRAISER BOARD
MAY 17, 2005
LIQUOR CONTROL CONFERENCE ROOM
5TH FLOOR, 301 CENTENNIAL MALL SOUTH
LINCOLN, NE**

Opening / Notice of Meeting / Adopt Agenda /

Chairman Dan Stoeber called the May 17, 2005 scheduled meeting of the Nebraska Real Estate Appraiser Board to order at 9:00 a.m. Members present: Vice Chairman Kevin Kroeger, James Bain, Timothy Kalkowski and Sheila Newell. Interim Director Policky was present. Chairman Stoeber announced the notice of the meeting was published in the *Lincoln Journal Star*, a legal newspaper of general circulation in this State, as required by the public meeting law.

Chairman Stoeber acknowledged the agenda and requested any corrections or additions. Newell moved to adopt the agenda and Kroeger seconded the motion. Roll call vote: all ayes. Chairman Stoeber welcomed Guest Dianne Moore, President of the Moore Group; Cay Lacey, chair of the statute, rules and regulations committee and Perre Neilan, Nebraska Realtors representative.

Minutes of April 19, 2005 meetings /

Chairman Stoeber acknowledged the minutes from the April 19, 2005 meetings and called for corrections. The minutes were accepted as written with the following changes. Tim Kalkowski pointed out on page five, he both moved and seconded a motion. Required correction should read Kalkowski moved and Bain seconded. Vice Chairman Kroeger moved to approve the minutes as corrected and Kalkowski seconded the motion. Voting aye: Bain, Kroeger, Stoeber and Kalkowski. Newell abstained since she was absent and excused for the April meeting.

Director's Report /

Director's report was received and made part of these minutes..

Chairman's Report /

Chairman Stoeber presented to the Board a request to amend the ad for the Director's position. The advertising has requested a Bachelors degree and Stoeber requested running the ad for two more weeks stating experience would compensate for a formal degree. Vice Chairman Kroeger moved to allow DAS Personnel to modify the education criteria to state experience would be acceptable and extend the advertising for two more weeks for the Director's position. Bain seconded. All members voted aye.

Legislative Affairs Committee meeting was attended by Chairman Stoeber, Vice Chairman Kroeger and Bain. Chairman Stoeber acknowledge efforts by committee members. Cay Lacey, chairperson, addressed the Board on the final report on the statutes, rules and regulations. The summary report was received and made part of the minutes.

Appraisal Regulatory Network meeting is July 22-24 in Omaha. Chairman Stoeber strongly encourage attendance and stressed the importance of the AQB criteria implementation information to be presented at the meeting.

April Receipts and Expenditures Report /

The Board reviewed the April 2005 expense report and is recognized as an approved item in these minutes. James Bain moved to ratify the April expense and Kalkowski seconded the motion. Roll call vote: all voting aye.

OLD BUSINESS /

LB 676 Report

Newell reported LB 676 was approved by Governor on 28th March 2005 with no opposition. Acknowledged unwavering support by Perry Neilan.

Unfinished Business /

Attorney General's opinion quorum

Reviewed AG's opinion concerning majority with four members required to open and three to conduct business. Kalkowski asked for definition of a vote by an individual who abstains from voting. Consensus is the abstention vote counts. Guidelines and rules state that a meeting cannot be opened with only three members. Business of voting will require all three members to agree. Abstention counts toward quorum but not toward vote. One abstention and two yes votes would not be sufficient to pass a motion. Board requested that the opinion of the Attorney General on quorum be recognized that the Appraiser Board will follow the Attorney General's guidelines on quorum as stated in the minutes.

NEW BUSINESS /

AQB 2008 Criteria implementation procedures

Firm or segmented implementation of 2008 criteria. Decision to be made after attending the ARN meeting in Omaha.

Adoption Standard 3 Review Form updates

Updates and changes to the Standard 3 Review Form were recognized and made part of these minutes. Vice Chairman Kroeger moved to adopt the revised Standard 3 Review Form. Bain seconded the motion. All members voting aye.

Approval ARN meeting expenses

Chairman Stoeber discussed procedures for conference registration and attendance for the ARN meeting July 22, 23, & 24th in Omaha. Newell moved to authorize payment of registration and expenses for members, new director and acting director to attend ARN meeting. Vice Chair Kroeger seconded the motion. All members voting aye. Request letter be submitted to the Hilton hotel indicating all individuals affiliated with state.

Education and Instructor Approval /

Vice Chairman Kroeger moved to approve the new and renewal education seminars and courses as presented on the agenda and made part of these minutes. Newell seconded the motion. Roll call vote: all ayes. Kroger to further move instructors (a) through (i) be approved as presented on the agenda. Newell seconded the motion. Roll call vote: all ayes.

Chairman Stoeber calls for 10 minute break.

At 12:08 a.m., Vice Chairman Kroeger moved that the Board go into Executive Session for the purpose of reviewing qualifications of applicants and consideration of written complaints. A closed session is clearly necessary for the prevention of needless injury to the reputation of the individual or individuals involved in the personal matters relating to applications to be reviewed, performance, and disciplinary matters to be considered. Tim Kalkowski seconded the motion. All members voting aye.

Vice Chairman Kroeger moved to come out of closed session at 2:53 p.m. and Kalkowski seconded the motion. Voting aye: Tim Kalkowski, Jim Bain, Kevin Kroeger, Dan Stoeber and Sheila Newell.

Enforcement Matters /

Kroeger moved to take the following actions:

- 04-09 Close
- 03-12 Board failed to indicate completion date for reports to be submitted and reviewed in the Consent Agreement. Recommend closing case as respondent has completed required education stipulated in Agreement.
- 03-18 Turn over case to Board's attorney to set hearing date due to failure of respondent to return Consent Agreement.

Kalkowski seconded the motion. Voting aye: Tim Kalkowski, Jim Bain, Kevin Kroeger, Dan Stoeber. Sheila Newell abstained due to conflict of interest.

Kroeger moved to take the following actions:

- 03-22 Close.
- 05-02 Director amend Consent Agreement to reference prior violations and include warning for any future violations. Amended Consent Agreement to be sent to respondent.
- 05-03 Send advisory letter to respondent. Case to be dismissed.
- 05-04 Informal conference to be arranged for July meeting. Stoeber to interview.
- 05-05 Informal conference to be arranged for July meeting. Newell to interview.
- 05-06 Require Respondent to successfully complete and pass examinations for a 30-hour test appraisal fundamentals class, two-day tested USPAP by AQB qualified instructor, and a 15-hour tested residential report writing. Respondent to also notify any trainees or appraisers supervised that he is no longer allowed to provide supervisory or training services and provide proof to the Board that notification has been given to these individuals. Coursework to be completed by December 1, 2005.
- 05-07 Respondent to successfully complete and pass examinations for two-day tested sales, two-day tested cost, and two-day tested USPAP from an AQB qualified instructor. Coursework to be completed by December 1, 2005.
- 05-10 Dismiss.
- 05-11 No action.
- 04-17 Informal conference to be arranged for July meeting. Kroeger to interview.
- 04-27 Dismiss. Complaint is same as 04-17.
- 04-26 Send notice that license will be inactivated.

04-12 Director to send letter asking for return of credential.
04-10 Director to send letter asking for return of credential.
04-04 Close.
04-06 Close.
03-02 CA met. Close.
02-10 Dismiss – excessive time frame due to prior Director’s failure to process.
Newell seconded the motion. Voting aye: Newell, Kroeger, Stoeber and Kalkowski. Bain voted aye except on case # 04-17. Bain abstained due to conflict of interest.

Review of Applicants /

Newell moved the following applicants:

Registered applicants: R743, 744, 745, 746 and 747 approved.
Mitchell L. Bridges must completed appraisal
fundamentals or A0002 to reapply. Expired. Return
application and fee.
Licensed applicants: L411 denied.
Certified Residential: CR135 approved.
CR132 and CR134 denied

Tim Kalkowski seconded the motion. Voting aye: all votes aye.

There being no further business, Chairman Stoeber adjourned the meeting at 3:00 p.m.

Respectfully submitted,

Kitty Policky
Interim Director

